



#4

PATENT

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

<b>In re Application of:</b>	F. DiCaprio et al
<b>Serial No.:</b>	09/970459
<b>Filed:</b>	October 2, 2001
<b>For:</b>	STENT DELIVERY WITH MEMBRANE
<b>Examiner:</b>	
<b>Group Art Unit:</b>	3738

COPY OF PAPER  
ORIGINALLY FILED

Attn: Missing Parts  
Commissioner for Patents  
Washington, D.C. 20231

Docket No.: S63.2-10083

**RESPONSE TO NOTICE OF MISSING PARTS**

In response to the Notice to File Missing Parts of Application--Filing Date  
Granted, mailed November 8, 2001, enclosed for filing please find:

1. A copy of the Notice to File Missing Parts of Application (Form PTO-1533) and a Check for \$870.00 to cover the filing and surcharge fees plus **\$400.00 fee for a two month extension of time totalling: \$1270.00.**
2. Declaration;
3. Power of Attorney. If from assignee, it is hereby certified that the undersigned has authority to make this certification and has reviewed all the documents in the chain of title of the patent application identified herein and, to the best of undersigned's knowledge and belief, title is in the assignee identified above (37 CFR 3.73(b));
4. Constructive Petition
5. Assignments with recordation cover sheet; \$40 recordation check
6. 5 sheets of formal drawings

Please charge any additional fees or credit any overpayment associated with this communication to the Deposit Account No. 22-0350.

**Serial No. 09/970459**

**Page 2**

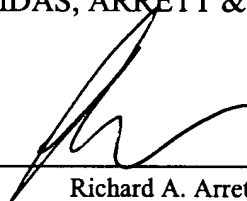
**RESPONSE TO NOTICE OF MISSING  
PARTS.**

Respectfully submitted,

VIDAS, ARRETT & STEINKRAUS

Date: March 6, 2002

By:



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Richard A. Arrett, Esq.  
Registration No. 33,153

6109 Blue Circle Drive, Suite 2000  
Minnetonka, MN 55343-9185  
Telephone No.: (952) 563-3000  
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PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

**In re Application of:** F. DiCaprio et al  
**Serial No.:** 09/970459  
**Filed:** October 2, 2001  
**For:** STENT DELIVERY WITH MEMBRANE  
**Examiner:**  
**Group Art Unit:** 3738

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**TRANSMITTAL LETTER**

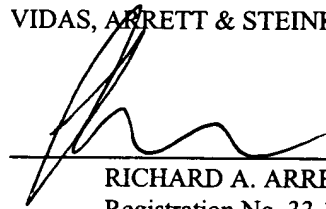
1. In regard to the above-identified application, we are submitting the attached:  
**Response to Notice of Missing Parts; Copy of Notice; Declaration, Assignment w/ cover sheet; 5 sheets formal drawings; Constructive Petition, Power of Atty; VAS Transmittal Letter; and Postcard.**
2. With respect to fees:  
No additional fee is required.  
☒ Attached is check(s) in the amount of \$40.00 and \$1270.00  
☐ Charge additional fee to our Deposit Account No. 22-0350.
3. **CONDITIONAL PETITION FOR EXTENSION OF TIME**  
This conditional petition is being filed along with the papers identified in Item 1 above and provides for the possibility that Applicant has inadvertently overlooked the need for a petition and fee for extension of time or for a petition and fee for any other matter petitionable to the Commissioner as required. If any extension of time for the accompanying response is required or if a petition for any other matter is required, by petitioner, Applicant requests that this be considered a petition therefor.
4. Notwithstanding paragraph 2 above, if any additional fees associated with this communication are required and have not otherwise been paid, including any fee associated with the Conditional Petition for Extension of Time, or any request in the accompanying papers for action which requires a fee as a petition to the Commissioner, please charge the additional fees to Deposit Account No. 22-0350. Please charge any additional fees or credit overpayment associated with this communication to the Deposit Account No. 22-0350.

**TRANSMITTAL LETTER**  
**DOCKET NO.: S63.2-10083**  
**Application No.: 09/970459**

VIDAS, ARRETT & STEINKRAUS

Date: March 6, 2002


By:



RICHARD A. ARRETT, ESQ.  
Registration No. 33,153

6109 Blue Circle Drive, Suite 2000  
Minnetonka, MN 55343-9185  
Telephone: (952) 563-3000  
Facsimile: (952) 563-3001

Certificate Under 37 CFR 1.8: I hereby certify that this Transmittal Letter and the paper(s) as described herein, are being deposited in the U.S. Postal Service, as FIRST CLASS MAIL, addressed to Box Missing Parts, Commissioner for Patents, Washington D.C. 20231, on March 6, 2002.

  
Julie Emerson

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1516



## UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS  
UNITED STATES PATENT AND TRADEMARK OFFICE  
WASHINGTON, D.C. 20231  
www.uspto.gov

APPLICATION NUMBER	FILING/RECEIPT DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
09/970,459	10/02/2001	Fernando DiCaprio	S63.2-10083

490  
VIDAS, ARRETT & STEINKRAUS, P.A.  
6109 BLUE CIRCLE DRIVE  
SUITE 2000  
MINNETONKA, MN 55343-9185

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CONFIRMATION NO. 9616

## FORMALITIES LETTER



\*OC000000007043852\*

Date Mailed: 11/08/2001

## NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION

03/29/2002 SZEWDIE1 00000010 09970459

01 FC:101 740.00 OF  
02 FC:105 130.00 OF

FILED UNDER 37 CFR 1.53(b)

*Filing Date Granted*

An application number and filing date have been accorded to this application. The item(s) indicated below, however, are missing. Applicant is given **TWO MONTHS** from the date of this Notice within which to file all required items and pay any fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a).

- The statutory basic filing fee is missing.  
*Applicant must submit \$ 740 to complete the basic filing fee for a non-small entity. If appropriate, applicant may make a written assertion of entitlement to small entity status and pay the small entity filing fee (37 CFR 1.27).*
- The oath or declaration is missing.  
*A properly signed oath or declaration in compliance with 37 CFR 1.63, identifying the application by the above Application Number and Filing Date, is required.*
- To avoid abandonment, a late filing fee or oath or declaration surcharge as set forth in 37 CFR 1.16(l) of \$130 for a non-small entity, must be submitted with the missing items identified in this letter.
- The balance due by applicant is \$ 870.

*A copy of this notice **MUST** be returned with the reply.*

*Thurman*  
Customer Service Center

Initial Patent Examination Division (703) 308-1202

PART 2 - COPY TO BE RETURNED WITH RESPONSE

HOPKINS  
MAR-7'02  
MINN.

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MAR 28 2002  
UP TO MAIL CENTER

**FIRST CLASS MAIL**

VIDAS, ARRETT & STEINKRAUS  
A PROFESSIONAL ASSOCIATION

SUITE 2000  
6109 BLUE CIRCLE DRIVE  
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OIPE JC177  
MAR 28 2002  
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